

**MINUTES  
REGULAR BOARD MEETING  
THURSDAY, MAY 18, 2006, 9:00 A.M.**

Board Members Present at Roll Call: Les Abrams, Gabe Corral, Tom Heineman, Myra Jefferson, Gaye Rutan, Sarah Vetault. A quorum was present. Board Members Absent: Rod Bolden, Lee Ann Elliott, Cynthia Henry.

Also Present at Roll Call: Debb Pearson, Executive Director; Crickett Payne, Regulatory Compliance Administrator; Beth Campbell, Assistant Attorney General.

Les Abrams acted as Chairperson.

The Board pledged allegiance to the flag of the United States of America.

Myra Jefferson moved that the Minutes of the April 20, 2006, Regular Board Meeting be approved. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

**PUBLIC ANNOUNCEMENTS AND CALL TO PUBLIC**

Thomas J. Inserra filed a Call to Public and spoke to the Board concerning the operation procedures of his company, Zaio, and then elected to speak to the Board when the agenda item was called. Bruce Smith filed a Call to Public and elected to speak to the Board concerning complaint 2103 when the agenda item was called.

**COMPLAINT REVIEW**

Review and Action Concerning 2109, Jay A. Josephs.

Respondent appeared. Sarah Vetault moved that the Board accept the investigator's report. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the Board invite Respondent to an informal hearing. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the trainee be subpoenaed to appear at the informal hearing. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2146, Jay A. Josephs.

Respondent appeared. Staff summary was read. Gabe Corral moved that the Board find a Level I Violation and offer Respondent a nondisciplinary letter of concern citing the violation. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1828/1829, Ray E. Trigueros.

Respondent appeared. Gaye Rutan moved that the Board grant Respondent an extension until 6/30/06 to complete his disciplinary education. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2111, Shawn L. Talley.

Respondent appeared. Gaye Rutan moved that the Board accept the investigator's report; and find no violations and dismiss the complaint. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2103, Bruce W. Smith.

Respondent appeared. Gaye Rutan moved that the Board find a Level I Violation and offer Respondent an amended nondisciplinary letter of concern citing the violation. The motion failed for the lack of a second. Sarah Vetault moved that the Board find no violations and dismiss the complaint. The motion failed for the lack of a second. Sarah Vetault moved that the Board find no violations and dismiss the complaint. The motion failed for the lack of a second. Tom Heineman moved that the Board find a Level I Violation and offer Respondent an amended nondisciplinary letter of concern citing the violation. Gabe Corral seconded the motion. The Board voted 5-1 in favor of the motion. Sarah Vetault voted no.

Informal Hearing Concerning 2003, Brian E. Trigueros.

Respondent and his attorney appeared. Respondent was sworn in, made statements to the Board and answered the Board's questions. Gaye Rutan moved that the Board find Level I Violations and issue Respondent a nondisciplinary letter of concern citing violations. Tom Heineman seconded the motion. The Board voted 4-2 in favor of the motion upon the following roll call vote: Les Abrams--yes; Gabe Corral--yes; Tom Heineman--yes; Myra Jefferson--no; Gaye Rutan--yes; Sarah Vetault--no. Myra Jefferson moved that the Board reopen the matter. Sarah Vetault seconded the

motion. The Board voted 4-2 against the motion. Les Abrams, Gabe Corral, Tom Heineman and Gaye Rutan voted no.

Review and Action Concerning 2104, Gregory L. Yaste.

Respondent appeared. Tom Heineman recused himself. Gaye Rutan moved that the Board find a Level I Violation and offer Respondent an amended nondisciplinary letter of concern citing the violation. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion. Myra Jefferson abstained.

Review and Action Concerning 2118, Robert J. Fabrizio.

Respondent appeared. Gaye Rutan moved that the Board deny Respondent's request for reconsideration. Gabe Corral seconded the motion. The Board voted 5-1 in favor of the motion. Sarah Vetault voted no. Gaye Rutan moved that the Board find a Level I Violation, offer Respondent an amended nondisciplinary letter of concern citing the violation, and grant Respondent an extension until 6/30/06 to sign and return the amended letter. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2148, Derek Rodriguez.

Respondent appeared. Staff summary was read. Sarah Vetault moved that the Board find no violations and dismiss the complaint. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2153, Donald L. Carrier.

Respondent appeared. Staff summary was read. Gaye Rutan moved that the Board find a Level I Violation and offer Respondent a nondisciplinary letter of concern citing the violation. Gabe Corral seconded the motion. The Board voted 5-1 in favor of the motion. Sarah Vetault voted no.

Review and Action Concerning 2140, Craig A. Richardson.

Respondent appeared. Staff summary was read. Sarah Vetault moved that the matter be referred to an investigator. The motion failed for the lack of a second. Tom Heineman moved that the Board find a Level I Violation and offer Respondent a nondisciplinary letter

of concern citing the violation. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2143, David L. Boudreau.

Respondent appeared. Staff summary was read. Gaye Rutan moved that the Board find no violations and dismiss the complaint. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

**NEW BUSINESS**

Discussion and Action Concerning Unauthorized Photographs.

Thomas J. Inserra answered the Board's questions concerning the procedure his company, Zaio, uses in photographing residences in Maricopa County.

**COMPLAINT REVIEW**

Review and Action Concerning 2026, Patricia Lorona.

Respondent did not appear. Tom Heineman moved that the Board accept the investigator's report. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion. Sarah Vetault moved that the Board find Level I Violations and offer Respondent a nondisciplinary letter of concern citing the violations. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2086, Joseph E. Brimeyer.

Respondent did not appear. Sarah Vetault moved that the Board accept the investigator's report. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion. Sarah Vetault moved that the Board invite Respondent to an informal hearing. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2108, Paul A. Botts.

Respondent did not appear. Sarah Vetault moved that the Board accept the investigator's report. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the Board invite Respondent to an informal hearing. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2134, Paul A. Botts.

Respondent did not appear. Staff summary was read. Gaye Rutan moved that the Board accept the proposed disciplinary education and dismiss the complaint. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1974, Jeff A. Glander.

Respondent did not appear. Tom Heineman moved that the Board open complaint 2182 alleging noncompliance with the 10/17/05 nondisciplinary letter of remedial action. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1989, Robert L. VanDyke.

Respondent did not appear. Gaye Rutan moved that the Board grant Respondent an extension until 6/15/06 to complete the remedial education to comply with the 1/17/06 nondisciplinary letter of remedial action. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2068, Brian P. Smith.

Respondent did not appear. Sarah Vetault moved that the Board open complaint 2183 alleging noncompliance with the education requirements of the 3/15/06 Consent Agreement Amending and Incorporating Prior Board Order Dated 2/18/05. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2135, Kenneth E. Tamblyn.

Respondent did not appear. Staff summary was read. Sarah Vetault moved that the Board find no violations and dismiss the complaint. Tom Heineman seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2136, Pamela L. Pearsall.

Respondent did not appear. Staff summary was read. Gaye Rutan moved that the Board find no violations and dismiss the complaint. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion. Gaye Rutan moved that the complaint be

referred to the Arizona Department of Financial Institutions. Sarah Vetault seconded the motion. The Board voted 5-1 in favor of the motion. Gabe Corral voted no.

Review and Action Concerning 2137, Raymond E. Sanchez, Jr./2138, Tina M. Michels.

Respondent did not appear. Staff summary was read. Sarah Vetault moved that staff subpoena additional information; and upon receipt of the additional information, Respondents be invited to an informal hearing. Les Abrams seconded the motion. The Board voted 4-2 in favor of the motion. Gabe Corral and Tom Heineman voted no.

Review and Action Concerning 2139, Jonathan B. Chilson.

Respondent did not appear. Staff summary was read. Sarah Vetault moved that the Board find no violations and dismiss the complaint. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2141, Mary K. McKinnon.

Respondent did not appear. Staff summary was read. Tom Heineman moved that the Board find no violations and dismiss the complaint. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2142, Morgan P. Craighead.

Respondent did not appear. Staff summary was read. Gaye Rutan moved that the matter be referred to an investigator. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2144, Marshall S. Coffman.

Respondent did not appear. Staff summary was read. Tom Heineman moved that the matter be referred to a formal hearing before the Office of Administrative Hearings (OAH). Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2149, Kym R. Gaudette.

Respondent did not appear. Staff summary was read. Gaye Rutan moved that the Board find no violations and dismiss the complaint. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2150, Ernest E. Gatewood III/2151, David Claborn/2152, Byron E. Bounds, Sr.

Respondents did not appear. Staff summary was read. Tom Heineman moved that the Board issue each Respondent a cease and desist letter. Gaye Rutan seconded the motion. The Board voted unanimously in favor of the motion.

The Board noted that there were no 12-month reviews.

### **EDUCATION APPLICATION REVIEW**

Gaye Rutan moved that the Board go into Executive Session for legal advice. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion. Upon return from Executive Session, Tom Heineman moved that the Board approve the courses offered by Dynasty School as follows:

- (1) Qualifying Education: Mastering Real Estate Appraisal–75 hours. Distance Education
- (2) Continuing Education: 2005 National USPAP Update Equivalent–7 hours. Distance Education.

Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

### **BOARD CHAIRPERSON REPORT**

None.

### **EXECUTIVE DIRECTOR REPORT**

Debb Pearson reported on the status of the Assistant Attorney General's assignments; advised the complaint answer dates that had been extended by staff; and reported the following complaint status for calendar year 2006 through 4/30/06:

Complaints filed	72	
Complaints dismissed	11	
Complaints referred to investigation		6
Complaints resolved with nondisciplinary letter of concern		6
Complaints resolved with nondisciplinary letter of remedial action		0



Complaints resolved with disciplinary letter of due diligence	0	
Complaints resolved with probation		1
Complaints referred to informal hearing	1	
Complaints referred to formal hearing	1	
Complaints resolved with suspension	0	
Complaints resolved with surrender		0
Complaints resolved with revocation		0
Complaints resolved with cease and desist letters		1

Violation Levels:

I	7
II	0
III	0
IV	0
V	1

## APPLICATION REVIEW COMMITTEE REPORT

Gaye Rutan reported the following Arizona appraiser and property tax agent information as of May 17, 2006:

Licensed Residential	982	
Certified Residential	902	
Certified General	769	
Nonresident Temporary	83	Total 2736
Property Tax Agents	301	

Gaye Rutan moved that the Board authorize the application requirements of the following documentation from Clyde T. Johnson III, Nonresident Temporary Certified General Application #5934: (1) a current letter of good standing from each state applicant is currently certified; (2) a current history letter from each state applicant has an expired certificate; and (3) proof that the transaction is federally related; and if the transaction is not federally related, another form of application is required. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion. Myra Jefferson moved that the Board accept the Committee's recommendations (see attached). Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

## **APPRAISAL TESTING AND EDUCATION COMMITTEE REPORT**

Gaye Rutan moved that the Board accept the Committee's recommendations (see attached). Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

### Discussion and Action Concerning Updating the Board's Database.

The Board took no action.

### Discussion and Action Concerning Board Members Auditing Courses.

Staff was instructed to get an update on the Appraisal Standards Board's USPAP Update for Regulators DVD.

## **CONFIRMATION OF MEETING DATES, TIMES, LOCATIONS AND PURPOSES**

The upcoming Committee and Board meetings were scheduled as follows:

### June

14	Application	3:00 p.m.
15	Education	8:30 a.m.
15	Board Meeting	9:00 a.m.

## **ADJOURNMENT**

The meeting was adjourned.

Lester G. Abrams, Chairperson